

OVERSIGHT BOARD

OSB RESOLUTION NO. 2012_03_1001

**A RESOLUTION OF THE OVERSIGHT BOARD OF
THE SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SAN
JOSE ACKNOWLEDGING THE TRANSFER OF THE
MAYFAIR COURT APARTMENTS, ROSEMARY
FAMILY APARTMENTS, AND ROSEMARY SENIOR
APARTMENTS HOUSING ASSETS FROM THE
SUCCESSOR AGENCY TO THE CITY OF SAN JOSE
IN ITS CAPACITY OF HOUSING AGENCY**

WHEREAS, by implementation of ABX1 26 , which amended provisions of the California Redevelopment Law, (the "CRL", found at Health and Safety Code Section 33000, *et seq.*) and the California Supreme Court's decision in *California Redevelopment Association v. Matosantos*, as of February 1, 2012, the Redevelopment Agency of the City of San José was dissolved, the Successor Agency to the Redevelopment Agency of the City of San Jose ("Successor Agency") came in to existence, and the requirement for the appointment of an Oversight Board to the Successor Agency to the Redevelopment Agency of the City of San José ("Oversight Board") became effective; and

WHEREAS, on January 24, 2012, the Agency's Board of Directors approved a resolution No. 6033 (the "Agency Board Resolution"), providing that the City of San José ("the City") elected to retain the responsibility for performing housing functions previously performed by the Agency (the City acting in such capacity is referred to herein as the "Housing Agency") and that upon dissolution of the Agency (a) all assets, properties, contracts, leases, books and records, buildings and equipment, of the Agency would be transferred to the City in its capacity as Successor Agency pursuant to the terms of Health and Safety Code Section 34173 and (b) all housing assets along with all responsibilities, rights, powers, duties and obligations associated therewith of the Agency would be transferred

to the City in its capacity of Housing Agency pursuant to the terms of Health and Safety Code Section 34176; and

WHEREAS, upon the Agency's dissolution, and pursuant to the Agency Board Resolution and City Resolution No. 76128, adopted January 24, 2012, the City assumed the former Agency's housing assets, which includes all rights, interest privileges, property (real, personal and intangible), including all loans and grants, all property such as land, buildings and dwelling units held by the Agency in connection with the production and preservation of low and moderate income housing, excluding any funds held in the Agency's Low and Moderate Income Housing Fund (collectively, the "housing assets"), and all of the rights, duties, and obligations that remain under the CRL with regard to the production and preservation of low and moderate income housing; and

WHEREAS, although the City has elected to retain the housing responsibilities and assets pursuant to City Resolution No. 76128; pursuant to Health and Safety Code Section 34181 (c), the Oversight Board is required to direct the Successor Agency to transfer housing responsibilities and assets to the appropriate entity, which as a result of the City's election in City Resolution No. 76128 is the City in its capacity of Housing Agency, and pursuant to Health and Safety Code Section 34177(g), the Successor Agency is required to effectuate such transfer; and

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY that:

1. The Oversight Board hereby determines and finds that the assets set forth in Exhibit A attached hereto are housing assets that must to be transferred to the City in its capacity of Housing Agency, pursuant to Health and Safety Code Section 34176.

2. The Oversight Board hereby acknowledges that, consistent with Health and Safety Code Section 34176 as of February 1, 2012, the housing assets, as set forth on Exhibit A attached hereto, were transferred from the Agency to the City in its capacity of Housing Agency, that, as such, the City accepted the housing assets and that City may exercise all rights and obligations relating to the housing assets, including, but not limited to, entering into new contracts, amending existing contracts, applying and using proceeds from the housing assets, and disposing of the housing assets, and such actions by the City shall not be subject to review or approval by this Oversight Board under the authority or duties set forth in Health and Safety Codes Sections 34180 and 34181.

3. Pursuant to Health and Safety Section 34181(c), the Oversight Board hereby directs and instructs the City in its capacity of Successor Agency to effectuate the transfer of the housing assets set forth in Exhibit A, along with all responsibilities, rights, powers, duties and obligations associated therewith, to the City in its capacity of Housing Agency, to the extent necessary, pursuant to Health and Safety Code 34177(g).

4. If additional housing assets are brought forward for consideration by the Oversight Board before completion of the audit to be performed by the County auditor-controller pursuant to Health and Safety Code 34182 (a) (1), the Successor Agency staff is hereby directed to coordinate with staff from the County of Santa Clara prior to bringing any such item forward for consideration by the Oversight Board.

ADOPTED this 22nd day of March 2012, by the following vote:

AYES: DUEÑAS, GAGE, JOHAL (ALTERNATE), KNISS
(ALTERNATE), MADULI, SHARMA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



Chuck Reed, Chair

ATTEST:



DENNIS D. HAWKINS, CMC
Successor Agency Clerk

Exhibit A

List of Housing Assets

Acquisition Loans*

1.	Mayfair Court Apartments	\$6,750,000
2.	Rosemary Family Apartment	\$6,300,000
3.	Rosemary Senior Apartments	\$3,700,000

* These particular housing assets are Acquisition Loans for Affordable Housing which consist of Loan Documents, including a Promissory Note, and Affordability Restrictions